

## REMARKS

### Claim Changes

Claims 1, 10, and 14 are amended to recite “wherein said predetermined time period is a future time period from a current time of identifying a quantity of AV program data stored on said storage unit.” These changes are based at least on at least the description in paras. [0020], [0022], and [0023] of the specification as filed. Thus, no new matter is added.

No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

### Rejection of claims 1-6 and 8-20 under 35 U.S.C. § 102(b) as being anticipated by Ficco (US 2002/0054750)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-6 and 8-20 under 35 U.S.C. § 102(b) as being anticipated by Ficco as herein amended.

Applicant has carefully reviewed the present application and the cited art and has amended independent claims 1, 10, and 14 to clarify the claimed invention. In particular, independent claims 1, 10, and 14 have been amended to recite “wherein said predetermined time period is a future time period from a current time of identifying a quantity of AV program data stored on said storage unit.”

Applicant respectfully submits that Ficco does not anticipate, either expressly or inherently, each and every element as set forth in independent claims 1, 10, and 14, as amended. For example, independent claims 1, 10, and 14 recite “obtaining a storage schedule for new AV program data comprised of first AV program data and second different AV program data defined over a predetermined time period.” “obtaining a deletion schedule for a plurality of old AV program data stored in the said storage unit defined over said predetermined time period.” and

“producing temporally dynamic indicia representative of allocation of said capacity of said storage unit over said predetermined time period in response to said quantity of AV program data, said storage schedule, and said deletion schedule, wherein said predetermined time period is a future time period from a current time of identifying a quantity of AV program data stored on said storage unit” which are not anticipated either expressly or inherently, in Ficco.

Ficco is directed towards a method and system for displaying various status of a recording device such as a set top box equipped with a digital video recorder (DVR) to a user. See Ficco, Abstract. The status parameters indicated by Ficco includes current delay of recording behind live feed, live/recorded status indicator, mass storage device capacity, and remaining recording time available in minutes. See Ficco, para [0039]. Ficco's current delay of recording behind live feed allows the user to see how far the recording is behind a live feed, when the user pauses a signal of the live feed or broadcast. See Ficco, Fig. 10(a) and para [0104]. Ficco's live/recorded status indicator allows the user to see whether the material watched currently is live or recorded. See Ficco, para [0040]. Ficco's mass storage device capacity indicates the present quantity of a mass storage device (in percent or time) that is consumed by recorded material or is available. See Ficco, para [0107]. Finally, Ficco's remaining recording time available in minutes alerts the user by providing a notification of approximate minutes of recording still available at the current time while recording is in progress. See Ficco, Fig. 13(a) and para [0108]. Therefore, Ficco at best indicates the capacity of the storage device at a current instant of time. In contrast, Applicant claims 1, 10, and 14 describe obtaining a storage schedule and a deletion schedule for a AV program data defined over said predetermined time period, wherein said predetermined time period is a future time period from a current time of identifying a quantity of AV program data stored on said storage unit and producing temporally dynamic indicia representative of allocation of said capacity of said storage unit over said predetermined time period in response to said quantity of AV program data, said storage schedule, and said deletion schedule. Therefore, the application of Ficco's to Applicant's claims should be withdrawn.

Moreover, Ficco teaches a method to review and manipulate certain attributes of the set-top-box. Ficco teaches a “save option” 546 status that designates how much of a program is to be recorded and how long of a time a program is to be stored before being erased. See Ficco, FIG. 15 and para [0116]. When Ficco's user selects the save option cell 546, then two sub-cells 546a, 546b are displayed. If Ficco's user selects sub-cell 546a, then the user is prompted to select a

title of the desired program. After selecting the title, the user is prompted to select a desired time for which the selected program is to be recorded. See Ficco, FIG. 21(b), para [0123].

Alternatively, if Ficco's user selects sub-cell 546b, then the user is prompted to select a title of the desired program. After selecting the title, the user is prompted to select a desired time for which the selected program is to remain archived before being erased. See Ficco, FIG. 21(c), para [0124]. Ficco nowhere teaches obtaining a storage and a deletion schedule for data that is defined over a time period that occurs in future from a current time and producing any representation of capacity of the mass storage unit over a time period that occurs in future using the obtained storage and deletion schedule.

In view of the foregoing, Applicant respectfully submits that Ficco does not disclose "obtaining a storage schedule for new AV program data comprised of first AV program data and second different AV program data defined over a predetermined time period," "obtaining a deletion schedule for a plurality of old AV program data stored in the said storage unit defined over said predetermined time period," and "producing temporally dynamic indicia representative of allocation of said capacity of said storage unit over said predetermined time period in response to said quantity of AV program data, said storage schedule, and said deletion schedule, wherein said predetermined time period occurs in future from a current time". Applicant therefore submits that claims 1, 10, and 14 are not anticipated by Ficco, and therefore the rejection of claims 1, 10, and 14 under 35 USC 102(a) should be withdrawn. Applicant requests that claims 1, 10, and 14 may now be passed to allowance.

Dependent claims 2-6 and 8-9, 11-13, and 15-20 depend from, and include all the limitations of independent claims 1, 10, and 14. Therefore, Applicant respectfully requests reconsideration of dependent claims 2-6 and 8-9, 11-13, and 15-20 and requests the withdrawal of the rejection.

Rejection of Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over US 2002/0054750 (Ficco) in view of US 6671454 (Kaneko)

Kaneko fails to overcome the deficiencies of Ficco, because Kaneko also does not show or suggest "producing temporally dynamic indicia representative of allocation of said capacity of said storage unit over said predetermined time period in response to said quantity of AV program data, said storage schedule, and said deletion schedule, wherein said predetermined time period

occurs in future from a current time” as recited in independent claim 1. Dependent claim 7 depends from, and includes all the limitations of independent claim 1, that is shown to be allowable. Therefore, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 7 under 35 U.S.C. 103(a) as being unpatentable over Ficco and Kaneko is respectfully requested.

#### Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Dated: September 7, 2009

Respectfully submitted,

By: /Larry T. Cullen/  
Larry T. Cullen  
Registration No.: 44,489

Motorola Connected Home Solutions  
101 Tournament Drive  
Horsham, PA 19044  
(215) 323-1907